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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-154

CAROLYN McMEANS
aka CAROLYN ADAMS
10553 Bambola Place
Las Vegas, Nevada 89135

A C C U S A T I O N

Registered Nurse License No. 277633
Nurse Anesthetist License No. 1298
Public Health Nurse License No. 58821

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

Registered Nurse License

2. On or about April 30, 1977, the Board issued Registered Nurse License Number 277633, to Carolyn McMeans, also known as Carolyn Adams ("Respondent"). The license was renewed inactive, and will expire on September 30, 2008, unless renewed.

1 **Nurse Anesthetist License**

2 3. On or about September 30, 1988, the Board issued Nurse Anesthetist
3 License Number 1298, to Respondent. The license was renewed inactive, and will expire on
4 September 30, 2008, unless renewed.

5 **Public Health Nurse License**

6 4. On or about March 20, 1998, the Board issued Public Health Nurse
7 License Number 58821, to Respondent. The license was renewed inactive, and will expire on
8 September 30, 2008, unless renewed.

9 **JURISDICTION**

10 5. Business and Professions Code ("Code") section 2750 provides, in
11 pertinent part, that the Board may discipline any licensee, including a licensee holding a
12 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
13 2750) of the Nursing Practice Act.

14 6. Code section 2764 provides, in pertinent part, that the expiration of a
15 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
16 against the licensee or to render a decision imposing discipline on the license. Under Code
17 section 2811(b), the Board may renew an expired license at any time within eight years after the
18 expiration.

19 **STATUTORY PROVISIONS**

20 7. Code section 2761 states, in pertinent part:

21 "The board may take disciplinary action against a certified or licensed nurse or
22 deny an application for a certificate or license for any of the following:

23 (a) Unprofessional conduct, which includes, but is not limited to, the following:

24 (1) Incompetence, or gross negligence in carrying out usual certified or licensed
25 nursing functions."

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8. California Code of Regulations, title 16, section 1442, states:

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

BACKGROUND INFORMATION

10. On or about October 11, 2004, M.R., a 46-year-old female, was admitted to Colusa Regional Medical Center to undergo a dilation and curettage procedure, including a total abdominal hysterectomy. Respondent was the attending nurse anesthetist. While in the operating room, Respondent failed on two attempts to intubate M.R. The attending physician, Highman, assisted and was able to intubate M.R. with the use of a bronchoscope. However, Respondent removed the tube upon seeing no CO2 reading on the anesthesia monitor. M.R.'s saturated oxygen level and heart rate dropped. M.R. developed bradycardia, became hypoxic, and cardiopulmonary resuscitation (CPR) was initiated. M.R. was transferred to the intensive care unit, and then to U.C. Davis Medical Center for further evaluation and treatment.

FIRST CAUSE FOR DISCIPLINE

(Incompetence)

11. Respondent is subject to discipline under Code section 2761(a), on the grounds of unprofessional conduct, as defined in Code section 2761(a)(1), in that on or about October 11, 2004, while working as a CRNA (Certified Registered Nurse Anesthetist) at Colusa Regional Medical Center, located in Colusa, California, Respondent demonstrated incompetence in the following respects:

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- 1 a. Respondent failed to properly identify and document preoperatively the
2 difficulty of intubation M.R. presented.
- 3 b. Respondent failed to have additional anaesthesia personnel and anesthesia
4 intubation equipment present.
- 5 c. Respondent failed to follow the Emergency Airway Algorithm¹ in the
6 following respects:
- 7 i. Respondent failed to have a backup anesthetic plan when
8 encountering a difficult airway, in that Respondent failed to call for help, allow M.R. to resume
9 spontaneous breathing and abandon the surgical procedure, or have M.R. return on another day to
10 provide for an "awake oral intubation," when encountering a difficult airway.
- 11 ii. Respondent failed to consider the use of a laryngomask airway as an
12 alternative approach to intubation, following the removal of the endotracheal tube.
- 13 d. Respondent failed to listen for breath sounds when assessing whether or
14 not Dr. Highman properly intubated M.R. Respondent relied solely on the CO2 monitor for
15 verification of intubation, failing to realize the line connecting the CO2 monitor had become
16 disengaged. As a result, Respondent removed the endotracheal tube.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 12. Respondent is subject to discipline under Code section 2761(a), on the
20 grounds of unprofessional conduct, in that on or about October 11, 2004, while working as a
21 CRNA at Colusa Regional Medical Center, located in Colusa, California, Respondent was guilty
22 of unprofessional conduct, as more particularly set forth above in paragraph 11.

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27 1. The American Society of Anesthesiologists developed the "Practice Guidelines for
28 Management of the Difficult Airway," that became effective in July 1993.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 277633, issued to Carolyn McMeans, also known as Carolyn Adams;


2. Revoking or suspending Nurse Anesthetist License Number 1298, issued to Carolyn McMeans, also known as Carolyn Adams;

3. Revoking or suspending Public Health Nurse License Number 58821, issued to Carolyn McMeans, also known as Carolyn Adams;

4. Ordering Carolyn McMeans, also known as Carolyn Adams, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

5. Taking such other and further action as deemed necessary and proper.

DATED: 1/12/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2007102435

Accusation (kdg)10/21/08